

S-13-2009
In-N-Out Subdivision - Amended
C-2 Zone

BACKGROUND

Gary Hall, representing the property owner, is requesting an amendment to the In-N-Out Subdivision located at 3715 South Constitution Blvd. The purpose for the plat amendment is to vacate the 10-foot public utility easement along the west boundary of the subdivision.

STAFF/AGENCY CONCERNS:

There are no staff or agency concerns with this application.

ISSUES:

The In-N-Out Subdivision was recorded with the Salt Lake County Recorder's Office in June 2009. As part of the platted subdivision, a 10-foot public utility easement exists along the west boundary of the lot. The easement was placed on the plat as a standard condition of subdivision approval, not because utilities would need to be located here.

The site plan illustrates a drive-thru canopy that extends into the public utility easement. This canopy is critical to the In-N-Out business because of the drive-thru traffic. Although the building itself does not encroach the easement, the canopy extends approximately 7 feet into this space. Although the utility companies could grant approval to build over the easement, the In-N-Out owners would like to eliminate the easement to avoid potential problems in the future. Staff explained that a petition to vacate the easement would be the best approach.

Utilities that will serve this lot come from outside the subdivision boundary. The majority of these are located within the public right-of-way to the west. At the present time, there are no utility lines in the easement to be vacated. It should also be noted that there are no utility easements to the north or south of this lot.

City ordinance requires that the Planning Commission forward a recommendation on to the City Council. The amendment of this plat will then be recorded to vacate the public utility easement.

STAFF ALTERNATIVES:

- A. Approval of the plat amendment to vacate the 10-foot public utility easement.
- B. Continuance to allow for more discussion regarding the application.

Applicant:

Applicant was not present

Discussion: Steve Lehman presented the application. The Planning Commission had no further questions or concerns.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

Motion: Commissioner Mills moved for approval

Commissioner Garcia seconded the motion.

Roll call vote:

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| Commissioner Fuller | Yes |
| Commissioner Garcia | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Vice-Chairman Conder | Yes |

Unanimous –S-13-2009 – Approved